

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Dianne Dawson,

Plaintiff,

vs.

Medtronic, Inc.; Medtronic Sofamour Danek
USA, Inc.; Medtronic Vertelink, Inc.; Does 1-
10, inclusive; Medtronic Sofamour Danek,
Inc.; and Warsaw Orthopedic, Inc.,

Defendants.

C/A No. 3:13-cv-00663-JFA

ORDER

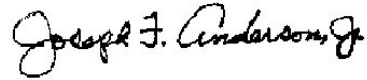
In an order dated August 9, 2013, this court granted the defendants' motion to dismiss, holding that the Medical Device Amendments to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 360k(a), preempted all of the plaintiff's claims in this action. ECF No. 75. The court allowed the plaintiff leave to file an amended complaint in an attempt to cure the deficiencies identified by this court in its order of dismissal. *Id.*

On September 11, 2013, the plaintiff filed a 111-page Fourth Amendment Complaint for Damages. ECF No. 78. The defendants timely moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6), ECF No. 80, and the parties now have briefed the issues fully. ECF Nos. 84, 85, 87.

After carefully studying the allegations of the Fourth Amended Complaint, the positions of the parties as advanced in their briefs, and the applicable law, the court is constrained to conclude that the Fourth Amended Complaint suffers from the same deficiencies identified in this court's order of August 9, 2013. *See* ECF No. 75. No good purpose would be served by repeating the court's analysis here. *See id.*

For the foregoing reasons, this court grants the motion and hereby dismisses with prejudice the plaintiff's Fourth Amended Complaint for Damages. The court directs the Clerk of Court to close this file.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

January 6, 2014,
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge